

REMARKS

The Office Action dated April 22, 2005 has been carefully reviewed and considered. Claims 1-33 are presently pending in the application. In the Office Action, claims 1-10 and 27-33 were indicated as allowed. Claims 11 and 15 have been amended. It is believed that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the foregoing amendment and the following remarks is respectfully requested.

The original claims included four independent claims, claims 1, 11, 18 and 27. Independent claims 1 and 27 and the claims depending therefrom have been allowed. In the Office Action, independent claim 11 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,598,949 to Frazier et al (“the Frazier patent”). Additionally, independent claim 18 was rejected under 35 U.S.C. § 103 as unpatentable over the Frazier patent in view of U.S. Patent 3,684,510 to Ramsey, Jr. et al (“the Ramsey patent”). The rejection of independent claims 11 and 18 and the related rejection of the claims depending therefrom are respectfully traversed.

As amended, claim 11 recites a pedestal enclosure that includes, *inter alia*, a base section with a generally rectangular configuration and a cover having a generally cylindrical configuration with a generally circular cross-sectional shape. As described in the patent application, this arrangement is beneficial because a generally rectangular base section is substantially self-supporting in the ground while a cylindrical cover with a generally circular cross-sectional shape is recognized as a reliable commodity in the telecommunications industry and is in common usage. (See paragraphs [0029] and [0030]). The Frazier patent does not disclose a cover with a generally circular cross-sectional shape as recited in amended claim 11. Instead, the cover of the Frazier pedestal is rectangular in cross-sectional shape just like the Frazier base. The Frazier patent does include any appreciation of using a base and cover with different cross-sectional shapes. Thus, the Frazier patent does not teach or suggest the invention as recited in amended claim 11.


Additionally, with respect to amended dependent claim 15, the Frazier patent fails to teach or suggest the recited detachable wire service channel for receiving one or more wires. The Examiner asserts that the element referenced as 102 in the Frazier patent is a wire service channel. However, the Frazier patent describes element 102 as a “slidable closure” that is

used to close the service line passage 100. In the Frazier pedestal, the service line passage 100 is the element that receives the service lines as they pass through the pedestal not the slidable closure 102. However, unlike claim 15, the service line passage 100 is permanently attached to the base section of the pedestal. Accordingly, claim 15 is allowable over the Frazier patent. The other claims depending from claim 11 are allowable over the Frazier patent for at least the same reasons as amended claim 11.

Independent claim 18 recites a pedestal enclosure including, *inter alia*, a base, cover, bracket system and a ground bar including a pair of legs configured for snap engagement with corresponding slots in the legs of the bracket system. The Examiner asserts that the Ramsey patent teaches a ground bar that snap engages with a bracket system and argues that it would have been obvious to use the Ramsey ground bar in the pedestal of the Frazier patent. However, what the Examiner asserts as being the Ramsey ground bar is actually, a detachable lid or cover 30 that mounts over a channel 20. (See Ramsey patent, col. 3, lines 31-34). A lid or cover is not a ground bar. Significantly, the Ramsey patent discloses that its pedestal has a ground bracket 60 and that this ground bracket is fastened to the arms 54 by bolts 54. (See Ramsey patent, col. 4, lines 29-32). Thus, the Ramsey patent specifically teaches using conventional bolts to attach the ground bracket, not a snap fit engagement as recited in claim 18. Accordingly, even if combined, the Frazier and Ramsey patents do not teach or suggest the invention as recited in claim 18 or in any of the claims depending therefrom.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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